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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,135	05/30/2001	Christopher Charles Norris Callow	1805-004	8867

7590

07/18/2002

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 07/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,135

Applicant(s)

Callow

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, and 9 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:


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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because in Figures 4 and 5, the use of numeral 30 is improper since it has already been used to designate another feature (the mounting points in Figures 2 and 3), and it seems that each occurrence of 30 should be changed to --37-- or the like. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. 

Specification

3. The disclosure is objected to because of the following informalities:

On page 3, each of lines 24, 25, 26, 27 and 28, the use of numeral 30 is improper since it has already been used to designate another feature, and it is suggested to change it to --37-- or the like.

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

4. Claims 1^x-6^x, 8^x and 9^x are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 2-3, the recitation “held in a generally parallel coextensive spaced relationship” is vague and indefinite since no structure has been set forth to perform such a function.

In claim 2, line 1, the recitation “at least one blade” is vague as to whether it refers to that set forth in claim 1 or to another such blade, and it is suggested either to insert --said-- before “at least” or to change “at least one” to --each-- or the like; in line 2, “a wire” is vague as to whether it refers to one of the wires set forth in claim 1 or to another such wire, and it is suggested to adapt the language of claim 3 and change “a wire” to --an associated one of the wires-- or the like (and in claims 3, 4 and 9 to change “an associated one of the wires” to --the associated wire-- or the like).

In claim 3, line 1, the recitation “at least one blade” is vague as to whether it refers to that previously set forth or to another such blade.

In claim 6, line 1, the recitation “at least one blade” is vague as to whether it refers to that previously set forth or to another such blade; in lines 2-3, the recitation is vague and indefinite since the invention is being positively defined in terms of the workpiece which is not part of the claimed invention, and further is vague and indefinite as to what structure is being set forth.

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In claim 8, line 1, the recitation "at least one blade" is vague as to whether it refers to that previously set forth or to another such blade; in lines 1-2, the recitation is vague and indefinite since the invention is being positively defined in terms of the workpiece which is not part of the claimed invention, and further is vague and indefinite as to what structure is being set forth.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Vrijma, pn 3,695,129.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 3-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrijma, pn 3,695,129.

Vrijma discloses a cutting apparatus with almost every structural limitation of the claimed invention but lacks a passage in the blade through which the wire passes, and lacks blades on both beams. However, the Examiner takes Official notice that these features are old and well known in the art and provide various well known benefits. For example, providing passages in the blades through which the wires pass provides known benefits such as additional support and stability for the wire while also providing a more compact configuration. Further, providing blades on both beams provides various well known benefits including providing a desired cut pattern on both sides of the workpiece. Therefore, it would have been obvious to one having ordinary skill in the art to provide a passage in the blade through which the wire passes, and blades on both beams for the well known benefits including those described above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
July 15, 2002